

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRIO NARDICO,

Plaintiff,

v.

J.P. MORGAN CHASE & COMPANY,
INC., et al.,

Defendants.

No. C 12-4891 PJH

**ORDER DENYING APPLICATION
FOR TEMPORARY RESTRAINING
ORDER**

Plaintiff Darrio Nardico filed the complaint in the above-entitled action on September 19, 2012, challenging the impending non-judicial foreclosure sale of certain real property located in Brisbane, California. The property is subject to a loan secured by a promissory note and deed of trust. In a declaration filed at the same time as the complaint, plaintiff asserts that the trustee's sale "has been set for September 7, 2012." He also indicates that "[t]he date is currently on bankruptcy hold."

Also on September 19, 2012, plaintiff filed an "ex parte" application for a temporary restraining order ("TRO"), seeking to prevent defendants from conducting the foreclosure sale. The motion is DENIED, without prejudice to refiling if certain requirements are met.

First, plaintiff must serve defendants with a copy of the summons and complaint in accordance with Federal Rule of Civil Procedure 4. Alternatively, if plaintiff believes he can establish good cause for proceeding without notice to defendants, he (or his counsel, if represented) must file a declaration in accordance with Federal Rule of Civil Procedure

65(b). Second, plaintiff must submit a memorandum of points and authorities that cites the relevant Federal Rules of Civil Procedure, and that presents an argument in accordance with appropriate standards. See Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 22 (2008); Alliance for Wild Rockies v. Cottrell, 632 F.3d 1127, 1131-32 (9th Cir. 2011). Third, plaintiff must submit a proposed order that complies with Civil Local Rule 65-1(c).

IT IS SO ORDERED.

Dated: September 19, 2012



PHYLLIS J. HAMILTON
United States District Judge